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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1699 OF 2007

M/s. LIPI Boilers Ltd. ...Petitioner
v/s.
Shri Jijaba K. Dhokale ...Respondent

CORAM : B.H.MARLAPALLE,J.
DATED : 3rd December, 2007

P.C.

Heard Mr.Nargolkar, the Learned Counsel for the Petitioner.

2. By allowing the application at exh. U-2 filed under Section 30(2) of the MRTU & PULP Act, 1971 in Comp(ULP) No.116/2005, the Learned Judge of the Labour Court was pleased to direct to pay 50% backwages to the Complainant till the decision of the complaint. This order was challenged by the present petitioner in Revision Application (ULP)No. 106/2006 and while dismissing the revision as per the judgement and order dated 8-1-2006, the Learned Member of the Industrial Court directed the company to deposit 100% of wages amd restrained complainant from withdrawing any amount till disposal of complaint.

3. Mr. Nargolkar is not aware as to what has happened with the trial of the main complaint but he stated that as per his instructions the Complainant has not been appearing before the Labour Court. Being that as it may, it would be appropriate to confirm the order passed by the Labour Court and direct the complaint to be decided within a fixed period as was stated by the Industrial Court. Mr.Nargolkar stated that the company would deposit the amount of 50% backwages within one month and if the Complainant appears in the Labour Court, he may be at liberty to withdraw the amount.

4. Hence, the petition is disposed of by directing that the company shall deposit the amount of 50% backwages from the date of filing of complaint till the end of December 2007 within a period of 4 weeks with the Labour Court at Pune and the complaint shall be decided within 6 months from 1-1-2008. The parties to appear before the Labour Court on 17-12-2007. The order of the Industrial Court stands modified in terms of the above directions.

5. Writ to go forthwith to the Labour Court.

[B.H.MARLAPALLE,J.]